

REMARKS

1. Claims Amendments.

Claim 1 has been amended to incorporate the subject matter of Claim 6, to clarify the method steps, and to better comport with USPTO preferred practice for method claims. Claim 1 also has been amended to clarify that the method of the invention minimizes the movability of the hook in the body. Support for this amendment can be found in the Specification on page 2, lines 9-26. No new matter has been added.

Claim 2 has been amended to incorporate the subject matter of Claim 3. No new matter has been added.

Claim 3 has been cancelled without prejudice.

Claim 4 has been amended to clarify that the pipette is used during the application of the adhesive. No new matter has been added.

Claims 5-17 have been cancelled without prejudice.

2. New Oath.

Applicant is in the process of obtaining a new inventor's oath with the correct filing date for the prior foreign application DE 04 006 334.9, and will submit it as soon as it is received from the inventor. Applicant notes that the proper filing date for this prior foreign application of 17 March 2004 is listed in the Specification as originally filed.

3. Rejections Under 35 USC 103(a).

The examiner has cited and combined a basic clothes hanger patent (Lessard '664), a basic wood adhesive patent (Monfort '037), an interesting way of using trash to make a garment hanger (Shih '772), and a patent application for gluing wood together (Dewitt '056) (yes, the first claim of Dewitt '056 is for gluing wood together, but the patent application itself seems to really be for a specialized applicator tip) in rejecting the claims of the present patent application as obvious. Applicant traverses these ground for rejection.

Claim 1 of the present patent application originally claimed a novel method of preventing a clothes hanger hook element from rotating within a clothes hanger body

element, and amended Claim 1 clarifies this method. Amended Claim 1 further has been re-written in a step-by-step format. Claim 1 specifies that the clothes hanger hook is provided with the capillary flowable adhesive in the region of the clothes hanger hook stem. As a result, the adhesive penetrates into the seam between the clothes hanger hook and the clothes hanger body, thus joining both parts, and preventing the rotatability of the hook within the body. This method and result is not shown in the cited prior art. As can be seen from the patent figures, such as FIGs. 1 and 2 below, adhesive is applied to the stem, where it can then travel down to the gap and then harden within the gap:

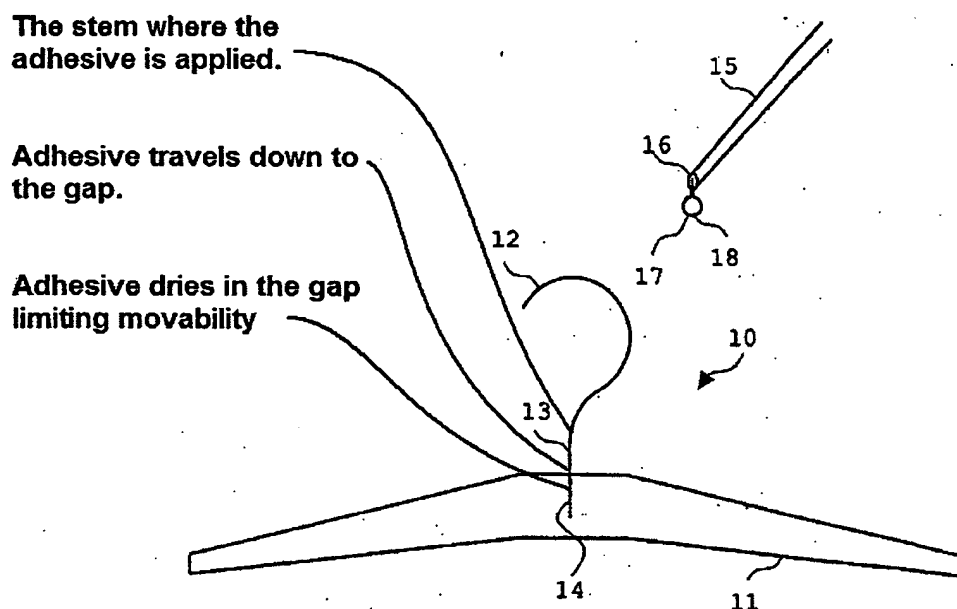


Fig. 1

Adhesive coats around the stem to provide better adhesion when traveling into the gap

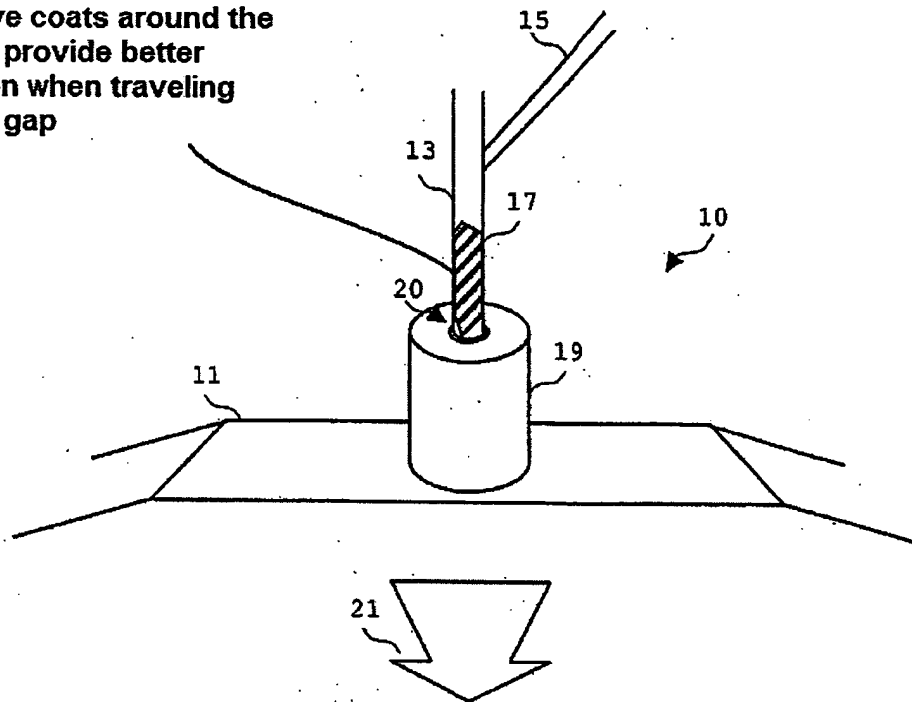


Fig. 3

Thus, the solution presented by the present patent application has the surprising advantage that a successful connection can be made by applying the adhesive to the clothes hanger hook stem above the area to be joined, and not directly to the area where the clothes hanger hook and clothes hanger body are to be connected. This greatly simplifies the application of the adhesive, as it does not require a complicated alignment of the clothes hanger to the appropriate means for applying the adhesive. For example, this makes it possible to apply the adhesive using machines without having to calculate complicated aligning procedures.

Thus, the solution provided by the present invention goes beyond, and is not disclosed or taught by, the cited art or any combination of the cited art.

Monfort '037 teaches the creation of a marine rot resistant structure – much like a laminated plywood – and discloses a penetrating adhesive that penetrates the rotted wood, not gaps between pieces of wood or between a piece of wood and a wire.

Dewitt '056 teaches applying the adhesive directly to the region to be joined, whereas in the present invention, the adhesive is applied at a distance from the area to be joined. This is a simple wood joining technique, as shown from the following figure from Dewitt '056:

Dewitt shows typical gluing, and appears to be mainly directed to a specialized applicator tip.

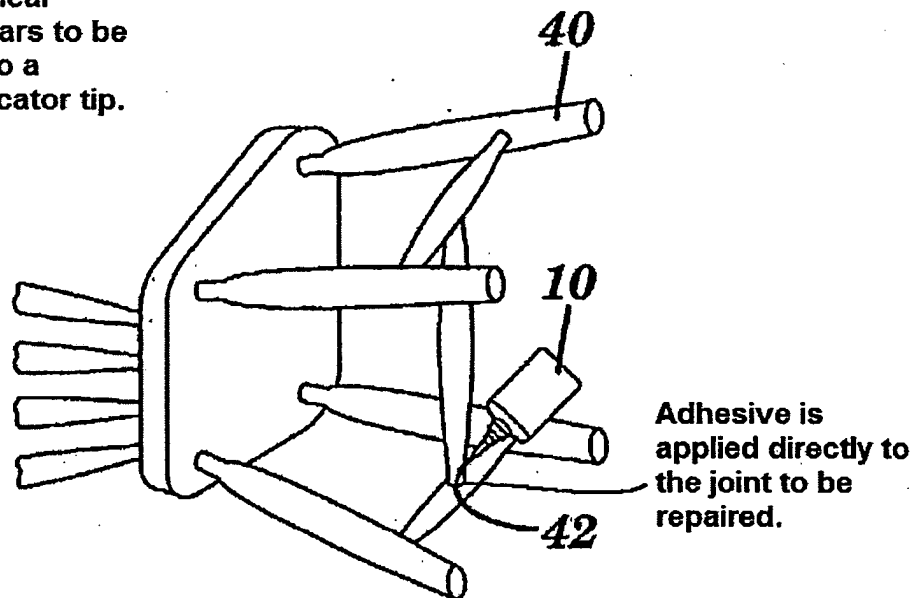


FIG. 7

Lessard '664 teaches a pants rack having a hanger wire hook that is a different material from the rack itself, and is merely representative of one specialized type of hanger. As can be seen from the below figure from Lessard '664, no gap is disclosed, no desire to minimize the rotation of the hook relative to the base is disclosed, and no method of applying adhesive to solve these problems is taught.

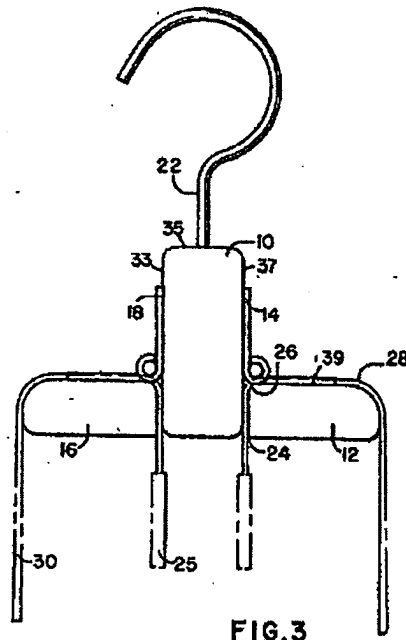


FIG. 3

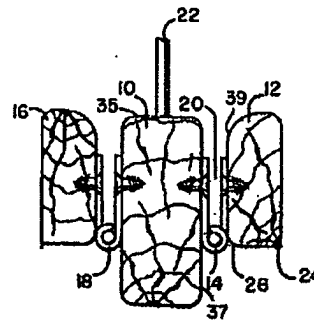


FIG. 2

Lessard shows a specialized pants hanger, but is representative of a wire hook attached to a wooden base, as is common in the hanger field. Lessard does not show specialized gluing or methods for re-fixing the wire in the base.

Shih '772 discloses recycling waste containers to make hangers, and to use adhesive to glue the hanger together. While Shih '772 discloses using adhesive to glue the hook component to the body component, as can be seen from the figure from Shih '772 below, the adhesive merely is used to glue various previously unrelated components together and has nothing to do with re-fixing a hook within a body to reduce rotatability.

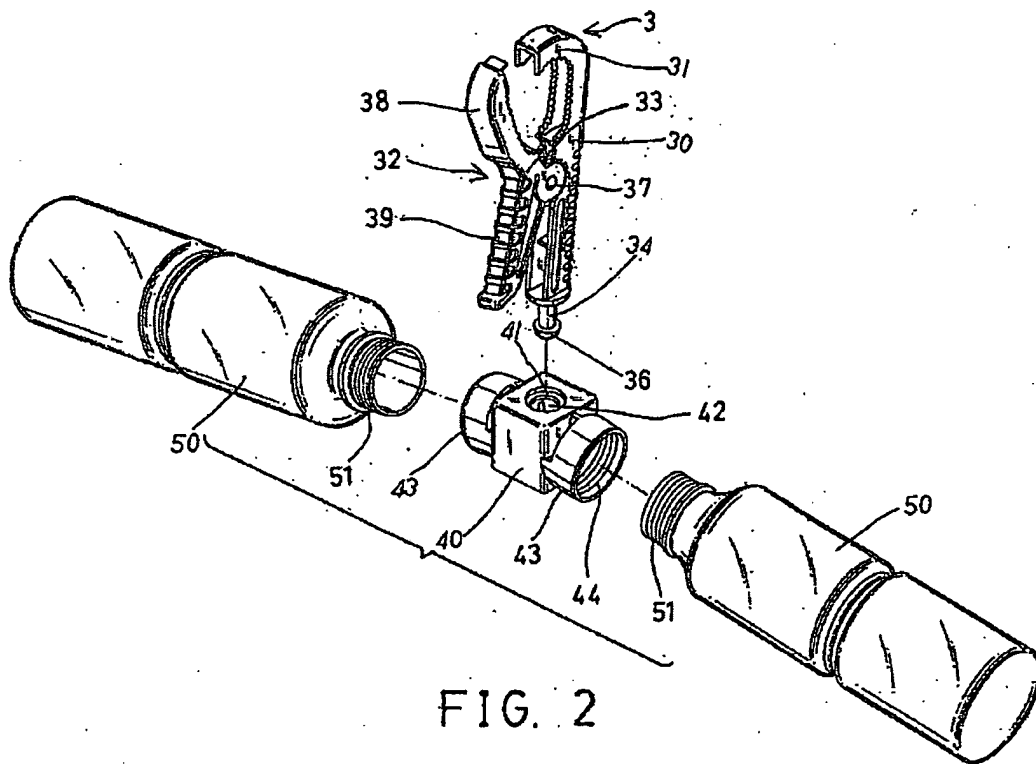


FIG. 2

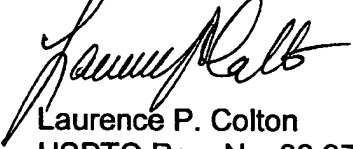
For a claim to be determined obvious (or nonobvious) under 35 USC 103, the claimed material must have been obvious to person of ordinary skill in the art from the prior art. An obviousness determination requires examining (1) the scope of the prior art, (2) the level of skill in the art, and (3) the differences between the prior art and Applicant's invention. *Litton Systems, Inc. v. Honeywell, Inc.*, 117 SCt 1270 (1970). A mere suggestion to further experiment with disclosed principles would not render obvious an invention based on those principles. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*,

19 USPQ2d 1432 (Fed. Cir. 1991). In fact, an applicant may use a reference as his basis for further experimentation and to create his invention. *Id.* To sustain a rejection under 35 USC 103, the examiner must establish a *prima facie* case of obviousness. MPEP §2142. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143. This just is not the case with the present invention. As discussed above, as the present invention is not fairly taught by the cited prior art or any combination of the prior art, it cannot and does not make obvious the present invention as claimed, and Applicant requests that this ground for rejection be withdrawn.

CONCLUSION

Applicants submit that the patent application is in condition for allowance and respectfully request such actions. If the examiner has any questions that can be answered by telephone, please contact the patent attorney of record at the telephone number listed below.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP



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